

Attorney Docket No. P13578-US2

**REMARKS/ARGUMENTS****1.) Claim Status**

Claims 1 through 19 are pending in the application. They have not been amended, but a courtesy copy of the claims is provided above.

**2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-9, 11-19 under 35 U.S.C. § 102(e) as being anticipated by Rappaport, et al. (US 5,722,043). The Applicant respectfully traverses this rejection.

The Applicant believes that the significance of the previous amendments may not have been fully appreciated by the Examiner. As stated in the previous action, claims 1 and 11 relate to a system and method for increasing the spectral efficiency of a wireless telecommunications system within a cell.

For instance, claim 1 states:

1. A method for increasing the spectral efficiency of a wireless telecommunications system within a cell, said method comprising the steps of:

dividing a plurality of channels within the cell of said wireless telecommunications system into a plurality of logical groups for the cell;

mapping a first group of said plurality of logical groups onto a first plurality of radio resources within the cell; and

mapping at least one other group of said plurality of logical groups for the cell onto a second plurality of radio resources within the cell, at least one radio resource in said second plurality of radio resources corresponding to at least one radio resource in said first plurality of radio resources.

In contrast, Rappaport presents an invention to "provide a cellular communication method and apparatus wherein cell gateways can borrow channels from adjacent cellular gateways without the use of channel locking" and "carriers are lent to adjacent cells and the carrier are efficiently returned to the lending cells." (Rappaport, col. 3, lines 19-22 and col. 3, lines 59-60). Thus, Rappaport does not disclose nor suggest methods

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for increasing spectral efficiency from within a cell (i.e., within a single cell). Rappaport deals with cell gateways borrowing channels from adjacent cells, but not within a cell.

Rappaport therefore does not contain the element of "dividing a plurality of channels within the cell of said wireless telecommunications system into a plurality of logical groups for the cell" because Rappaport does not divide a plurality of channels within the cell.

Nor does Rappaport contain the element of "mapping a first group of said plurality of logical groups onto a first plurality of radio resources within the cell" because Rappaport does not contain the element of mapping a first group . . . onto a first plurality of radio resources within the cell.

Additionally, Rappaport does not contain the element of "mapping at least one other group of said plurality of logical groups for the cell onto a second plurality of radio resources within the cell." The Applicant, therefore, respectfully maintains that the claimed elements are simply not taught nor inherently described by Rappaport.

As the PTO provides in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." Thus, Rappaport must disclose all of the elements of the claims to sustain the rejections. MPEP § 2131 requires that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Clearly, Rappaport does not teach the claim elements because Rappaport focuses on channel sharing between cells and, not within a cell. Accordingly, Rappaport fails to disclose or suggest all the claimed elements or the manner in which they interconnect as required by MPEP § 2131.

Claim 1, therefore, is allowable over Rappaport. Consequently, the Applicant respectfully requests that the §102 rejection be withdrawn.

Claims 2 through 9 depend from amended claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2 through 9 is respectfully requested.

Claim 11 is allowable for the similar reasons that claim 1 is allowable. For instance, claim 11 states:

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11. A wireless telecommunications system for increasing the spectral efficiency of a cell within a wireless telecommunications system, said system comprising:

a divider for dividing a plurality of channels within a cell of said wireless telecommunications system into a plurality of logical groups for the cell; and

mapping means for mapping said plurality of logical groups onto a plurality of radio resources for the cell.

As noted above, Rappaport does not describe "a divider for dividing a plurality of channels within a cell." The logical groups of Rappaport are for channels between cells, but not within a cell. Similarly, Rappaport does not describe a "mapping means for mapping said plurality of logical groups onto a plurality of radio resources for the cell." Assuming *arguendo* that Rappaport even discloses a mapping means, the mapping means would be for the entire system, but not for the cell. Thus, Rappaport does not teach a "mapping means for mapping said plurality of logical groups onto a plurality of radio resources for the cell." The Applicant, respectfully submits that the 102 rejection for claim 11 is also improper.

Claims 12 through 19 depend from amended claim 11 and recite additional limitations in combination with the novel elements of claim 11. Therefore, the allowance of claims 12 through 19 is also respectfully requested.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

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The Applicant requests a telephonic interview if the Examiner has any questions, requires any additional information that would further or expedite the prosecution of the Application, or believes the Applicant has not fully responded to the Examiner's rejections or statements.

Respectfully submitted,



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Bill R. Naifeh  
Registration No. 44,962

Ericsson Inc.  
6300 Legacy Drive, M/S EVR1 C-11  
Plano, Texas 75024

(972) 583-2012  
bill.xb.naifeh@ericsson.com

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